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January 14, 2022

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205- City Hall

Re: Proposed Settlement of the claims against Michael Vagnini, Jacob Knight,  
Keith Garland, and Michael Valuch in the lawsuit entitled:  
*Jerpaul Spencer v. Michael Vagnini, et al.*, Case No. 16-CV-662

Dear Honorable Council Members:

Enclosed please find a proposed resolution recommending settlement of the above referenced case, as well as a fiscal impact statement. We request that this matter be assigned for a hearing in closed session before the Judiciary & Legislation Committee to be followed by an open session in order to take action.

In the above-referenced lawsuit, the plaintiff, Jerpaul Spencer, claims that his civil rights were violated between May and July of 2011, by Keith Garland, Michael Valuch, current members of the Milwaukee Police Department and by Michael Vagnini and Jacob Knight, former members of the Milwaukee Police Department. The claims arise from three separate incidents that occurred in 2011.

The plaintiff alleges that he was illegally stopped, assaulted, and strip searched on two separate occasions by former Officer Vagnini. The plaintiff claims Officer Knight was a witness to one of the searches and should have intervened to prevent harm to him and failed to do so.

In his lawsuit filed in federal court, the plaintiff also brought a claim against current officers Valuch and Garland. The plaintiff claims officers Valuch and Garland should have obtained a warrant, when they suspected he swallowed a bag of narcotics following an unlawful *Terry* stop, and then transported him to Columbia St. Mary's Hospital for unwanted medical treatment, where medical personnel pumped his stomach.



Honorable Common Council

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During the posture of the case, the City successfully moved for partial summary judgment, where the court dismissed a *Monell* claim and claims against other officers including former Chief Edward Flynn.

During an unsuccessful attempt at mediation, the plaintiff extended an offer of \$540,000 to resolve the case, and the City rejected this settlement offer. The matter is now set for trial January 24, 2022 in U.S. District Court for the Eastern District of Wisconsin.

The allegations are serious and although there are some valid defenses, there are some factual disputes and significant credibility issues which may negatively impact the City's defense if this case is tried to jury. The plaintiff has tendered an offer of settlement in this matter in the amount of \$270,000, inclusive of all costs and attorney's fees. This is significantly lower than the prior offer. Given the risk of trial, and the City's risk for exposure to compensatory and punitive damages, as well as additional attorney fees and costs, we recommend that this matter be settled for that amount. Consistent with our recommendation, we request authorization to execute a settlement agreement on behalf of the City and the officers and have enclosed an appropriate resolution for your consideration.

Very truly yours,

*Anthony Jackson*

Anthony Jackson  
Assistant City Attorney

Enclosure

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